

PUBLIC NOTICE: 06-07

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND
OPPORTUNITY TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT.
EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THE
PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS
ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY
ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II
PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THE PROPOSED
ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED
RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF
CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF
PERMITS", 40 CODE OF FEDERAL REGULATIONS PART 22. THE PROCEDURES
THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A
PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING,
AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING,
ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR
SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY
(30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.**

**ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING
CLASS I PROCEEDINGS FOR THE ASSESSMENT OF PENALTIES:
IN THE MATTER OF THE WILDCO, INC. P.O. BOX 25147, SAN JUAN, PUERTO RICO
THE OWNER/OPERATOR OF A CONSTRUCTION FACILITY WHICH DISCHARGES
TO THE RIO CIDRA. THE FACILITY CONSISTS OF THE ADJUNTAS PLAZA SITE
LOCATED AT PR-5518 KM 0.4 IN ADJUNTAS PR 00601 AND THE BORROW OR
EXCAVATION AREA LOCATED AT PR-123 KM 40.4 BETWEEN UTUADO AND
ADJUNTAS. DOCKET NO. CWA-02-2003-3304; FILED ON DECEMBER 16, 2005 WITH
REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION II, 290
BROADWAY, 16th FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3110; PROPOSED
PENALTY: \$32,500, FOR FAILURE TO COMPLY WITH EPA'S NPDES GENERAL**

PERMIT FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES (“CONSTRUCTION GENERAL PERMIT”). WILDCO’S BORROW AREA AT PR-123 DID NOT OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT NOR WERE STORM WATER BEST MANAGEMENT PRACTICES IMPLEMENTED.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.

DATED: 1/25/06

**DORE LAPOSTA, DIRECTOR
DIVISION OF ENFORCEMENT AND
COMPLIANCE ASSISTANCE**